

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-x

UNITED STATES OF AMERICA,

20 cr. 603 (PKC)

- against -

**DECLARATION**

NICHOLAS JOSEPH,

Defendant.

-x

STATE OF NEW YORK )  
COUNTY OF NEW YORK: ss.:  
SOUTHERN DISTRICT OF NEW YORK)

MARLON G. KIRTON, Esq., pursuant to Title 28, United States Code, section 1746,  
hereby declares under the penalties of perjury:

I am counsel for the defendant NICHOLAS JOSEPH, and I make this declaration in  
support of the various forms of relief, as set forth in the annexed Notice of Motion.

The statement asserted as facts are based upon an examination of the indictment, the  
discovery material provided by the Government, the trial exhibit, the trial transcripts and  
conversations with prosecutors and NICHOLAS JOSEPH. All matters about which your  
deponents lack personal knowledge are asserted herein upon information and belief.

NICHOLAS JOSEPH is named in a five-count indictment charging him with the  
following: racketeering conspiracy, violent crime in aid of racketeering, discharge of a firearm  
in aid of racketeering, and two counts of a felon in possession of a firearm.

Counsel moves to this Court grant an Order to granting a judgment of acquittal or in the  
alternative granting defendant a new trial.

**WHEREFORE**, your declarant prays for an Order granting the relief requested in the Notice of Motion, or in the alternative a hearing to resolve the issues raised therein and for such other and further relief as to this Court may seem just and proper.

Dated: New York, New York  
October 22, 2021

s/Marlon G. Kirton  
MARLON G. KIRTON